

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:

JASON J. BARTH,

DEBTOR.

CASE No.: 21-BK-06380

CHAPTER 7

HON. JANET S. BAER
U.S. BANKRUPTCY JUDGE

TELEPHONIC HEARING

HEARING DATE: AUGUST 4, 2021

HEARING TIME: 1:00 P.M.

NOTICE OF MOTION

PLEASE TAKE NOTICE that on **August 4, 2021, at 1:00 p.m.**, I will appear before the Honorable Janet S. Baer, or any judge sitting in that judge's place, and present the **Motion of the United States Trustee for an Extension of Time to Object to Discharge and to File Motion to Dismiss**, a copy of which is attached.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828- 7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is 160 731 2971 and the password is 587656. The meeting ID and password can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

/s/ David Paul Holtkamp

David Paul Holtkamp, Trial Attorney
OFFICE OF THE U.S. TRUSTEE
219 S. Dearborn Street, Room 873
Chicago, Illinois 60604
(312) 353-5014

CERTIFICATE OF SERVICE

I, David Paul Holtkamp, an attorney, certify that I served a copy of this notice, the attached motion, and proposed order on each entity shown on the service list at the address shown and by the method indicated on July 21, 2021, before 5:00 p.m.

/s/ David Paul Holtkamp

SERVICE LIST

Registrants Served Through the Court's Electronic Notice for Registrants:

Patrick S. Layng: USTPRegion11.ES.ECF@usdoj.gov
Ronald R. Peterson: rpeterson@jenner.com, rpeterson@ecf.axosfs.com;
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David M. Siegel: davidsiegelbk@gmail.com, R41057@notify.bestcase.com;
johnellmannlaw@gmail.com

Parties Served via First Class Mail:

Jason J. Barth
636 Sycamore Lane
Wheeling, IL 60090

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TELEPHONIC HEARING

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HEARING TIME: 1:00 P.M.

**MOTION OF THE UNITED STATES TRUSTEE FOR AN EXTENSION OF
TIME TO OBJECT TO DISCHARGE AND TO FILE MOTION TO DISMISS**

NOW COMES PATRICK S. LAYNG, the United States Trustee for the Northern District of Illinois, by his attorney, David Paul Holtkamp, and pursuant to 11 U.S.C. § 727(c)(1) and Fed. R. Bankr. P. 4004(b), hereby requests this Court to grant an extension of time to object to the discharge of Jason J. Barth (the “Debtor”), and to file a motion dismiss the Debtor’s case for abuse pursuant to 11 U.S.C. § 707(b) and Fed. R. Bankr. P. 1017(e)(1). In support of this request, the U.S. Trustee states as follows:

1. This is a core proceeding concerning the administration of this estate pursuant to 28 U.S.C. § 157(b)(2)(A) which this Court may hear and determine pursuant to IOP 15(a) and Local Rule 40.3.1 of the United States District Court for the Northern District of Illinois.

2. On May 16, 2021, the Debtor filed his voluntary petition for relief Chapter 7 of the Bankruptcy Code. On or about that same time, Ronald Peterson

was appointed Chapter 7 Trustee in the Debtor's case. The last date for parties to object to the Debtor's discharge or to file a motion to dismiss his case under § 707 is currently set for August 13, 2021.

3. Schedule I reflects the Debtor is employed and earns \$7,018 gross per month. The Debtor's non-filing spouse is employed and earns \$6,648 gross per month. Together, the Debtor and his non-filing spouse have gross monthly income of \$13,666 (or \$163,992 per year). The Debtor's Statement of Financial Affairs ("SOFA"), question four, shows the Debtor had wages of \$82,000 in 2019 and \$50,000 in 2020.

4. According to the Debtor's petition, the Debtor indicates that his debts are primarily consumer in nature. Schedule E/F reflects unsecured debt in the amount of \$247,863, of that amount, \$91,245 is student loan debt. The Debtor's Schedule A/B reflects that the Debtor has \$4,452 in total personal property, \$2,500 of which are funds in a checking account.

5. Based on the above, the U.S. Trustee requests additional time to investigate the veracity and completeness of the Debtor's petition, schedules, statement of financial affairs and testimony given at the meeting of creditors in order to determine whether cause exists to file an objection to his discharge pursuant to 11 U.S.C. § 727(a) or a motion to dismiss the Debtor's case pursuant to 11 U.S.C. § 707.

WHEREFORE, the U.S. Trustee requests this Court extend the date to object to the Debtor's discharge pursuant to 11 U.S.C. § 727(a) and for filing a motion to

dismiss the Debtor's case under § 707(b) through and including November 15, 2021,
and for such other relief as this Court deems just.

RESPECTFULLY SUBMITTED:

PATRICK S. LAYNG
UNITED STATES TRUSTEE

Dated: July 21, 2021

By: /s/ David Paul Holtkamp
David Paul Holtkamp, Trial Attorney
OFFICE OF THE U.S. TRUSTEE
219 S. Dearborn Street, Room 873
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